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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Guinea-Bissau and Nigeria: draft resolution

Human rights violations in Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, with particular reference to the Geneva Conventions relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

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Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect and observance of human rights and fundamental freedoms,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recognizing that popular participation in its various forms is an important factor in the full realization of all human rights,

Recognizing also that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Seriously concerned about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in Bougainville,

Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Community - African Caribbean and Pacific Joint Assembly, as well as some other relevant international observers, but remaining disappointed that such access has in the past been consistently denied,

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/88 of 8 December 1989, in which the Assembly proclaimed 1994 as the International Year of the Family,

Recalling Sub-Commission on the Prevention of Discrimination and the Protection of Minorities resolution 1992/19 of 27 August 1992,

Also recalling Commission on Human Rights resolution 1993/76 of 10 March 1993,

Having heard the comments made during the fiftieth session of the Commission,

Having examined the report of the Secretary-General on the situation in Bougainville (E/CN.4/1994/60),

Concerned that information from the Government of Papua New Guinea has not been provided to the Commission on actions it has taken during the past year,

Concerned also at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recognizing that Bougainville's tragic recent history requires special measures to assure the protection of human rights,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in Bougainville, in particular arbitrary arrests and detentions, summary executions, torture and inhuman treatment, forced population displacements, restrictions on essential medical and other essential needs and serious shortcomings in the administration of justice,

Stressing the need to put an end to impunity of persons responsible for human rights violations,

1. Welcomes the statement by the Government of Papua New Guinea at the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government;

2. Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group but regrets the lack of response from the Government of Papua New Guinea to this initiative for peace;

3. Once again urges all parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Bougainville;

4. Once again calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population;

5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Bougainville, and calls on all parties to respect human rights;

6. Expresses concern at the lack of progress in efforts to end the armed conflict and to find a comprehensive political solution to the conflict;

7. Expresses deep concern at the reports of serious human rights violations in Bougainville, including summary execution, torture, rape, disappearances, forced displacement of peoples, ill-treatment and the use of weapons against civilian populations;

8. Also expresses deep concern at the deliberate impeding of the delivery of medical and other items of a humanitarian nature essential for the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

9. Urges the Government of Papua New Guinea to invite promptly the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to conduct on-site investigations in Bougainville;

10. Also urges the Government of Papua New Guinea to extend its full cooperation to the thematic rapporteurs of the Commission on Human Rights;

11. Requests the Secretary-General to appoint a special representative:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments and non-governmental organizations, to hear witnesses and to use such modalities as he may deem necessary for his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

12. Decides to consider the situation of human rights in Bougainville at its fifty-first session under the same agenda item.